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15 NOV 2004

10/501153 PATENT
0446-0165PUS1

#3

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Jarrod D. BARKER et al. Conf.: 5340
Appl. No.: 10/501,153 Group: 1724
Filed: July 13, 2004 Examiner: UNKNOWN
For: A FUEL CELL GAS SEPARATOR

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 15, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.
- b. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☐ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. ☒ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. ☒ **OTHER**

The following additional information is provided for the Examiner's consideration.

The references listed on the attached PTO-1449 form(s) were cited in the International Search Report(s) of copending application(s).

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. *(This section is not to be used with RCE's.)*
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- b. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- c. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- d. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. This paper is submitted in triplicate.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Robert E. Gagner #42,593
for Raymond C. Stewart, #21,066

RCS/REG:jls
0446-0165PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): ☒ PTO-1449
☒ Documents
☒ Foreign Search Report
☐ Fee
☐ Other:

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

ATTY. DOCKET NO.

0446-0165PUS1

APPLICATION NO.

10/501,153

APPLICANT

J.D. BARKER et al.

FILING DATE

July 13, 2004

GROUP

1724

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 2002/0068677	A1	2002-06-06	Crosbie			
	US 4,963,442	A	1990-10-16	Marianowski et al.			
	US 5,945,232	A	1999-08-31	Ernst et al.			
	US 6,103,415	A	2000-08-15	Kurita et al.			
	US 6,051,330	A	2000-04-18	Fasano et al.			
	US 6,248,465	B1	2001-06-19	Zhou et al.			
	US 5,503,945	A	1996-04-02	Petri et al.			
	US 5,342,705		1994-08-30	Minh et al.			
	US 5,496,655		1996-03-05	Lessing			
	US 5,688,610		1997-11-18	Spaeh et al.			
	US 4,221,604		1980-09-09	Chirino et al.			
	US 4,640,876		1987-02-03	Warzawski et al.			
	US 4,849,308		1989-07-18	Schmittten et al.			
	US 6,291,092	B1	2001-09-18	Kohli et al.			
	US 6,302,402	B1	2001-10-16	Rynders et al.			

FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	WO	95/16287	A1	1995-06-15	WIPO				
	EP	459940	B1	1995-03-15	EUROPE				
	WO	92/09116	A1	1992-05-29	WIPO				
	EP	959511	A2	1999-11-24	EUROPE				
	JP	06-275304	A	1994-09-30	JAPAN				
	JP	04-149966	A	1992-05-22	JAPAN				
	JP	2001-202984	A	2001-07-27	JAPAN				
	EP	1035610	A2	2000-09-13	EUROPE				
	JP	09-115527	A	1997-05-02	JAPAN				

OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

K. Kendall et al. "Co-Formed Components for Solid Oxide Fuel Cells", Solid Oxide Fuel Cells IV, 1995, pp. 229-233

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 5,279,906		1994-01-18	Yoshimura et al.			

FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	WO	99/04446	A1	1999-01-28	WIPO				
	WO	97/24778	A1	1997-07-10	WIPO				
	DE	4324907	A1	1995-01-26	GERMANY			Abs	
	EP	0450336	A2	1991-10-09	EUROPE				
	WO	01/99219	A1	2001-12-27	WIPO				
	EP	0993059	A2	2000-04-12	EUROPE				
	WO	94/17563		1994-08-04	WIPO				
	WO	01/09059	A1	2001-02-08	WIPO				
	EP	0675557	A1	1995-03-02	EUROPE				
	EP	0834950	A2	1997-09-19	EUROPE				
	EP	0907215	A1	1997-10-02	EUROPE			Abs	
	JP	03184271	A	1991-08-12	JAPAN				
	DE	4324181	A1	1994-03-03	GERMANY			Abs	
	DE	19832838	A1	1999-02-25	GERMANY			Abs	
	GB	1515688		1978-06-28	GREAT BRITAIN				
	WO	96/17394		1996-06-06	WIPO				

OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

REC



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For: A FUEL CELL GAS SEPARATOR

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 15, 2004

Sir:

Under the provisions of MPEP § 2001.06(b), the Examiner is hereby advised of the following co-pending U.S. Application(s):

<u>Appl. No.</u>	<u>Filing Date</u>	<u>Group</u>
10/482,836	January 6, 2004	1745
10/482,837	January 6, 2004	1761
10/483,388	January 12, 2004	1742

The subject matter contained in the above-listed co-pending U.S. application(s) may be deemed to relate to the present application, and thus may be material to the prosecution of this instant application.

Copies of cited U.S. patent application(s) (specification, claims, and the drawings) or copies of the portion(s) of the

application(s) which caused it(them) to be cited, including any claims directed to such portion(s) are attached hereto.

☐ The materials in the envelope are considered trade secrets and are being submitted for consideration under MPEP § 724.

The above-listed co-pending application(s) is(are) not to be construed as prior art. By bringing the above-listed application(s) to the attention of the Examiner, Applicant(s) do(does) NOT waive any confidentiality concerning the above-listed co-pending application(s) or this application. See MPEP § 101. Furthermore, if said application(s) should not mature into patents, such application(s) should be preserved in secrecy under the provisions of 35 U.S.C. § 122 and 37 C.F.R. § 1.14.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #42,593
for Raymond C. Stewart, #21,066

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Attachment(s)

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(Rev. 02/12/2004)